



STATE OF NEW JERSEY

In the Matter of Program Specialist 1
(S0082V), Department of Health

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2021-1748

Administrative Appeal

ISSUED: JULY 26, 2021 (AMR)

In In the Matter of Program Specialist 1 (S0082V), Department of Health (CSC, decided February 6, 2019), the Civil Service Commission (Commission) granted the request of the Department of Health for an appointment waiver for the May 14, 2018 certification and ordered that no selection costs would be assessed at that time since there was a possibility that the list could be utilized prior to its expiration.

Agency records reveal that one certification was issued from the subject eligible list on May 14, 2018. However, no appointments were made, and no additional certifications were requested. Therefore, the Department of Health was notified that since the eligible list was not utilized by its expiration date, the matter of the costs for the selection process in the amount of \$8,285 would be forwarded to the Commission for a determination. However, no response was received.

CONCLUSION

N.J.S.A. 11A:4-5 and *N.J.A.C.* 4A:10-2.2(a)2 state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse the costs of the selection process. While administering examinations and providing the names of eligible job candidates to the jurisdictions under the Civil Service system are two of the primary activities of this agency, these costly efforts are thwarted when appointing authorities fail to utilize the resulting eligible lists to make appointments and candidates have needlessly expended their time, effort and money to take these examinations in hopes of being considered for a permanent

appointment. The amount of \$8,285 has been determined to be the cost of the selection process for open competitive examinations for State government positions.

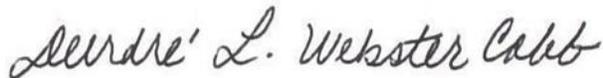
In the instant situation, although the appointing authority had shown a valid reason for not making an appointment from the subject eligible list in the prior decision, it has failed to provide a sufficient basis for not being charged for the costs of the selection process which produced the subject eligible list. In this regard, it is noted that a provisional employee was still serving at the time of the certification on May 14, 2018. The employee was provisionally appointed to the title of Program Specialist 1 on September 6, 2016 and worked in that capacity until August 3, 2018 when his provisional appointment terminated. Since there were no employees serving provisionally pending open competitive examination procedures in the subject title with the appointing authority at that time, the Commission granted the request for an appointment waiver and noted that the appointing authority could still use the subject eligible list prior to its expiration on May 9, 2021. However, agency records indicate that it failed to do so and has not responded to the instant matter. Finally, the eligible list has not been utilized by this or any State agency. Thus, it is appropriate that the appointing authority be assessed the costs of the selection process.

ORDER

Therefore, it is ordered that the Department of Health be assessed the costs of the selection process in the amount of \$8,285 to be paid within 30 days of the issuance of this decision.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 21ST DAY OF JULY, 2021



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